

Express Mail Label No.: EV 292559553 US
Date of Deposit: October 20, 2003
DOCKET NO: M1059.70000US01

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Fred G. Benkley, III
Serial No: --
Confirmation No: --
Filed: Herewith
For: SWIPED APERTURE CAPACITIVE FINGERPRINT
SENSING SYSTEMS AND METHODS
Examiner: unk.
Art Unit: unk.

MAIL STOP Patent Application
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

STATEMENT FILED PURSUANT TO THE DUTY OF
DISCLOSURE UNDER 37 CFR §§1.56, 1.97 AND 1.98

Sir:

Pursuant to the duty of disclosure under 37 C.F.R. §§1.56, 1.97 and 1.98, the Applicant requests consideration of this Information Disclosure Statement.

PART I: Compliance with 37 C.F.R. §1.97

This Information Disclosure Statement has been filed before the mailing date of a first Office Action on the merits in the above-identified case. No fee or certification is required.

PART II: Information Cited

The Applicant hereby makes of record in the above-identified application the information listed on the attached form PTO-1449 (modified). The order of presentation of the references should not be construed as an indication of the importance of the references.

The Applicant hereby makes the following additional information of record in the above-identified application.

The Applicant would like to bring to the Examiner's attention the following co-pending application that may contain subject matter related to this application:

<u>Serial No.</u>	<u>Filing Date</u>	<u>Title</u>
10/005,643	Dec. 5, 2001	Swiped Aperture Capacitive Fingerprint Sensing Systems and Methods

PART III: Remarks

Documents cited anywhere in the Information Disclosure Statement are enclosed unless otherwise indicated. It is respectfully requested that:

1. The Examiner consider completely the cited information, along with any other information, in reaching a determination concerning the patentability of the present claims;
2. The enclosed form PTO-1449 be signed by the Examiner to evidence that the cited information has been fully considered by the Patent and Trademark Office during the examination of this application;
3. The citations for the information be printed on any patent which issues from this application.

By submitting this Information Disclosure Statement, the Applicant makes no representation that a search has been performed, of the extent of any search performed, or that more relevant information does not exist.

By submitting this Information Disclosure Statement, the Applicant makes no representation that the information cited in the Statement is, or is considered to be, material to patentability as defined in 37 C.F.R. §1.56(b).

By submitting this Information Disclosure Statement, the Applicant makes no representation that the information cited in the Statement is, or is considered to be, in fact, prior art as defined by 35 U.S.C. §102.

Notwithstanding any statements by the Applicant, the Examiner is urged to form his own conclusion regarding the relevance of the cited information.

An early and favorable action is hereby requested.

Respectfully submitted,
Fred G. Benkley, III, *Applicant*

By: William R. McClellan
William R. McClellan, Reg. No. 29,409
Wolf, Greenfield & Sacks, P.C.
600 Atlantic Avenue
Boston, Massachusetts 02210-2211
Telephone: (617) 720-3500

Docket No. M1059.70000US01

Date: October 20, 2003

XNDDX

FORM PTO-1449/A and B (Modified)				APPLICATION NO.: --	ATTY. DOCKET NO.: M1059.70000US01
INFORMATION DISCLOSURE STATEMENT BY APPLICANT				FILING DATE: Herewith	CONFIRMATION NO.: --
				APPLICANT: Fred G. Benkley, III	
Sheet	1	of	1	GROUP ART UNIT: unk.	EXAMINER: unk.

U.S. PATENT DOCUMENTS

Examiner's Initials	Cite No.	U.S. Patent Document		Name of Patentee or Applicant of Cited Document	Date of Publication or of issue of Cited Document MM-DD-YYYY
		Number	Kind Code		
	*1	4,353,056		Tsikos	10-05-1982
	*2	4,525,859		Bowles et al.	06-25-1985
	*3	5,076,566		Kriegel	12-31-1991
	*4	5,109,427		Yang	04-28-1992
	*5	5,325,442		Knapp	06-28-1994
	*6	5,627,316		De Winter et al.	05-06-1997
	*7	5,818,956	A	Tuli	10-06-1998
	*8	6,002,815		Immega et al.	12-14-1999
	*9	6,016,355		Dickinson et al.	01-18-2000
	*10	6,259,108	B1	Antonelli et al.	07-10-2001

FOREIGN PATENT DOCUMENTS

Examiner's Initials	Cite No.	Foreign Patent Document			Name of Patentee or Applicant of Cited Document (not necessary)	Date of Publication of Cited Document MM-DD-YYYY	Translation (Y/N)
		Office/ Country	Number	Kind Code			
	*11	DE	2213813		Werner Bahlsen	10-04-1973	
	*12	WO	98/58342	A1	SINTEF	12-23-1998	
	*13	WO	99/43258	A1	IDEX AS	09-02-1999	
	*14	WO	99/28701	A1	Koninkluke Philips Electronics, N.V.	06-10-1999	
	*15	EP	1,018,697	A2	STMicroelectronics, Inc.	07-12-2000	
	*16	WO	02/061668	A1		08-08-2000	

OTHER ART — NON PATENT LITERATURE DOCUMENTS

Examiner's Initials	Cite No.	Include name of the author (in CAPITAL LETTERS) title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, relevant page(s), volume-issue number(s), publisher, city and/or country where published.	Translation (Y/N)
	*17	Search Report dated September 26, 2002 for International Patent Application No. PCT/US01/46525, filed May 12, 2001	

EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

*a copy of this reference is not provided as it was previously cited by or submitted to the office in a prior application, Serial No. 10/005,643, filed December 5, 2001, and relied upon for an earlier filing date under 35 U.S.C. 120 (continuation, continuation-in-part, and divisional applications).

[NOTE - Must provide a copy of any patent, publication, other information listed, even if it was previously submitted to, or cited by, the U.S. Patent Office in an earlier application, unless the earlier application is identified by the IDS and is relied upon for an earlier filing date under 35 U.S.C. §120, and the copy was provided in the earlier application.]

743228.1